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 FM AMEMBASSY SAN SALVADOR  
 TO SECSTATE WASHDC PRIORITY 1641  
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FOR ARA/CEN/ES

E.O. 12356: N:A  
 TAGS: PGOV, PHUM, ES  
 SUBJECT: CONGRESSIONAL CORRESPONDENCE - REPLY TO  
 - CHAIRMAN BARNES

1. (C) FOR DEPT: THIS IS AN ACTION CABLE. PLEASE  
 PASS FOLLOWING LETTER FROM AMBASSADOR CORR TO  
 CONGRESSMAN MICHAEL BARNES. REFTELS TO BE ATTACHED  
 ARE IDENTIFIED IN PARAGRAPH 3.

2. (U) BEGIN TEXT:

THE HONORABLE MICHAEL D. BARNES  
 CHAIRMAN, SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS  
 HOUSE OF REPRESENTATIVES  
 WASHINGTON, D.C. 20515

DEAR MR. CHAIRMAN:

THANK YOU FOR YOUR LETTER OF NOVEMBER 25, 1985. I WAS  
 PLEASED TO EXCHANGE VIEWS WITH YOU AND YOUR STAFF ABOUT  
 THE CURRENT SITUATION IN EL SALVADOR, AND HOPE YOU WILL  
 FEEL FREE TO SEND US ANY QUESTIONS YOU MAY HAVE IN THE  
 FUTURE.

YOU INQUIRED ABOUT THE BASIS FOR OUR QUESTIONING THE  
 OBJECTIVITY OF AMERICAS WATCH AND TUTELA LEGAL. WE  
 RECENTLY COMPLETED AN ANALYSIS OF AW'S SEPTEMBER REPORT,  
 "THE CONTINUING TERROR." I AM ATTACHING A COPY OF OUR  
 ANALYSIS FOR YOUR INFORMATION.

MANY ERRORS IN AMERICAS WATCH'S PAST REPORTS HAVE ARISEN  
 FROM AW'S UNCRITICAL ACCEPTANCE OF FIGURES AND TESTIMONY  
 SUPPLIED BY TUTELA LEGAL. INDEED, IN 1984 AW URGED THE  
 EMBASSY TO EXAMINE TUTELA'S METHODOLOGY AND LEARN FROM  
 IT. WE DID STUDY THE METHODOLOGY, AND LEARNED THAT:

- 1. TUTELA LEGAL WAS TAKING ALL GUERRILLA DEATHS
- ANNOUNCED BY THE ARMED FORCES PRESS OFFICE AND
- WAS PUBLISHING THEM AS CIVILIANS KILLED BY THE  
 ARMED FORCES.
- 2. TUTELA WAS COUNTING ALL DEATHS AND DISAPPEARANCES  
 IN THE MONTH IN WHICH THEY WERE REPORTED, THOUGH

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- MANY OCCURRED IN PREVIOUS MONTHS OR EVEN YEARS.
  - THIS CAUSED SERIOUS DISTORTION IN THE MONTHLY FIGURES.
  - 3. TUTELA WAS CLASSIFYING ALL DEATHS OCCURRING IN BATTLE AS EITHER GOVERNMENT SOLDIERS OR AS CIVILIANS (I.E., "GUERRILLAS" WERE NEVER KILLED IN ACTION -- ONLY "CIVILIANS"), AND WAS ATTRIBUTING ALL THESE "CIVILIAN" DEATHS TO THE ARMED FORCES.

WHEN THE EMBASSY POINTED OUT THESE AND OTHER ANOMALIES TO ARCHBISHOP ARTURO RIVERA DAMAS, HE HAD TUTELA LEGAL REVISE THE FORMAT OF THE MONTHLY REPORTS, BEGINNING WITH THE JUNE 1984 ISSUE. ATTACHED ARE COPIES OF OUR ANALYSES OF THE OLD AND THE NEW FORMATS.

CHANGES IN REPORTING STANDARDS AND IN FORMAT DID AWAY WITH THE FIRST TWO PROBLEMS NOTED ABOVE. IN REFERENCE TO THE THIRD PROBLEM, TUTELA NOW DIVIDES DEATHS OCCURRING IN BATTLE (ASIDE FROM GOVERNMENT SOLDIERS) INTO "PRESUMABLY CIVILIANS" AND "PRESUMABLY COMBATANTS." TUTELA BASES ITS "PRESUMPTION" ON THE TYPE OF MILITARY ACTIVITY WHICH PRODUCED THE ALLEGED DEATHS: A COUNTERINSURGENCY SWEEP BY THE ARMED FORCES KILLS CIVILIANS; WHILE A ROUTINE PATROL, AMBUSH, OR BATTLE BY THE ARMED FORCES KILLS COMBATANTS. WE FEEL THAT SUCH A STANDARD VASTLY OVERSTATES THE NUMBER OF CIVILIANS KILLED, AND WE DO NOT ACCEPT TUTELA'S A PRIORI DEFINITION OF CASUALTIES OF COUNTER-INSURGENCY SWEEPS AS CIVILIANS. ADDITIONALLY, TUTELA'S ACCEPTANCE OF UNVERIFIED, AND SOMETIMES UNVERIFIABLE, TESTIMONY CAN OBVIOUSLY LEAD TO INFLATED FIGURES FOR CIVILIANS KILLED, AND TO MISATTRIBUTION OF RESPONSIBILITY FOR CIVILIAN DEATHS, IN CASES WHERE THE GUERRILLAS HAVE HAD A SYMPATHIZER PROVIDE THE TESTIMONY -- AS WE BELIEVE THEY OFTEN DO.

DESPITE A REVISED, IMPROVED FORMAT, TUTELA STILL HAS A TENDENCY TO ACCEPT UNCITICALLY ANY "TESTIMONY" ABOUT ALLEGED HUMAN RIGHTS VIOLATIONS BY THE GOVERNMENT. TO ILLUSTRATE THE POINT, WE ATTACH EXAMPLES FROM MARCH 1984 AND APRIL 1985. IN THE FIRST, TUTELA REPORTED GUERRILLA DEATHS AS CIVILIAN. IN THE SECOND, TUTELA BLAMED THE ARMY FOR 12 CIVILIAN DEATHS WHICH DID NOT OCCUR. WE HAVE

ALSO INCLUDED AN ANALYSIS OF "DEATH SQUAD" KILLINGS AS REPORTED BY TUTELA LEGAL IN THE FIRST SIX MONTHS OF 1985.

THERE ARE OTHER PROBLEMS WITH TUTELA LEGAL'S REPORTS. FOR INSTANCE, TUTELA UNDERREPORTS THE NUMBER OF CIVILIANS KILLED BY GUERRILLA-PLANTED LAND MINES. TUTELA'S MARCH 1985 REPORT INCLUDED TWO CIVILIAN DEATHS RESULTING FROM GUERRILLA MINES; SEVEN WERE REPORTED IN THE PRESS. ON OCCASION, TUTELA HAS IGNORED GUERRILLA ANNOUNCEMENTS OF RESPONSIBILITY FOR TERRORIST ACTIONS. ON FEBRUARY 28, 1985, FOR EXAMPLE, FOUR PEOPLE WERE KILLED IN AN ATTACK ON THE RESIDENCE OF THE PRESIDENT OF THE CENTRAL ELECTIONS COUNCIL. THE REBELS TOOK RESPONSIBILITY FOR THE ATTACK IN A MARCH 1 BROADCAST BY RADIO VENCEREMOS, ONE OF THE CLANDESTINE RADIO STATIONS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN). TUTELA LEGAL'S FEBRUARY REPORT DID NOT ATTRIBUTE THE DEATHS TO ANYONE, CLAIMING THAT TUTELA LACKED "EXACT INFORMATION" ON THE IDENTITY OF THE ASSAILANTS. ON MARCH 23, 1985, RETIRED GENERAL JOSE ALBERTO MEDRANO WAS SHOT TO DEATH IN HIS AUTOMOBILE IN SAN SALVADOR. RADIO VENCEREMOS BOASTED THAT THE MURDER WAS AN INSTANCE OF "THE PEOPLES' JUSTICE." TUTELA LEGAL DID NOT LIST THE KILLING.

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MY STATEMENTS ABOUT TUTELA LEGAL AND AMERICAS WATCH ARE NOT LIGHTLY MADE. ONCE YOU REVIEW THE ATTACHED DOCUMENTS, I HOPE YOU WILL SEE WHY WE ARE CONCERNED ABOUT RELIANCE ON THESE TWO ORGANIZATIONS FOR "UNBIASED" REPORTING. IF YOU NEED FURTHER INFORMATION ON THIS OR ANY OTHER MATTER WHICH THE EMBASSY MAY SUPPLY, PLEASE DO NOT HESITATE TO CONTACT ME.

- SINCERELY,

- EDWIN G. CORR  
- AMBASSADOR

3. (C) FOR DEPARTMENT: PLEASE ATTACH THE FOLLOWING REFERENCES, DELETING PARAGRAPHS AS FOLLOWS.

A) 86 SAN SALVADOR 0062, "REPLY TO AMERICAS WATCH REPORT," DELETING PARAGRAPH 1.

B) 84 SAN SALVADOR 7550, "TL'S OLD METHODOLOGY," DELETING PARAGRAPHS 2, 3, 4, 9, AND 12.

C) 84 SAN SALVADOR 9941, "TL'S NEW METHODOLOGY," DELETING PARAGRAPHS 1 AND 8.

D) 84 SAN SALVADOR 10461, "GUERRILLAS DUPE TUTELA LEGAL," DELETING PARAGRAPHS 1, 4, 6, AND 7.

E) 85 SAN SALVADOR 10620, "TL APRIL REPORT WRONG;" NO DELETIONS.

F) 85 SAN SALVADOR 15403, "TL ON DEATH SQUADS," DELETING PARAGRAPHS 1, 6, AND 7.

CORR

END OF MESSAGE

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